HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2791 of 2007

15th February 2007

Between:

Kasa Saraswathi, W/o.Srinivasa Rao, D.No.22-85-16, Bhuruju Veedhi, Visakhapatnam.

...PETITIONER

And

1. Government of A.P., rep.by its Principal Secretary, Revenue, Secretariat, Hyderabad.

And one other.

...RESPONDENTS

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2791 of 2007

ORDER:

Petitioner states that she is the owner and possessor of land admeasuring 333.3 square yards in Survey No.125 (part) of Adivivaram Village, Chinagadili Mandal, Visakhapatnam. It is stated that she intended to sell the said land and entered into an agreement of sale with the intending purchaser, and approached the second respondent for registration of the same. The grievance of the petitioner is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This Writ Petition is filed seeking appropriate directions to the second respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse

registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

15th February 2007

Note: CC by one week
B/O
RRB

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77